

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

October 6, 2006

ROLL CALL

The meeting of the Board of Dentistry was called to order at 8:10 a.m. by David Mlnarik, Chairperson, in the Embassy Suites, Conference Room-Chancellor 2 & 3, 1040 P Street, Lincoln, Nebraska. The agenda was sent to the Board members and other interested parties prior to the meeting. The following members answered the roll call:

David Mlnarik, DDS, Chairman
Sam Jacoby, DDS, Vice-Chairman
Jane Lott, RDH
James P. Murphy, DDS
Julie A Marshall, DDS
Robert M. Hinrichs, DDS
Paul Tamisiea, DDS
Jane Stratman, RDH
Doris Schrader, Secretary
Judith Kissell

Present from the Credentialing Division was Helen Meeks, Division Administrator; Becky Wisell, Section Administrator, and Vonda Apking, Credentialing Coordinator; Lisa Anderson, Assistant Attorney General; Robert Semerena, Program Director, Michael Grutsch, Program Manager, and Larry Wiehn, Investigator, from the Investigations Division and Gary Westerman from the Board of Health.

ADOPTION OF AGENDA

Tamisiea moved, seconded by Murphy, to adopt the agenda with ability for the Chairperson to rearrange as necessary. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

APPROVAL OF MINUTES

July 28, 2006

Lott moved, seconded by Marshall, to approve the minutes from the July 28, 2006 meeting, as presented. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

INVESTIGATIONAL REPORTS – CLOSED SESSION

Murphy moved, seconded by Schrader, to go into closed session at 8:14 a.m. for the purpose of hearing investigational reports and compliance monitoring reports. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

Tamisiea recused himself from discussion at 8:15 a.m.
Tamisiea returned to the meeting at 8:25 a.m.

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Jacoby recused himself from discussion at 8:30 a.m.
Jacoby returned to the meeting at 8:34 a.m.

Stratman recused herself from discussion at 8:35 a.m.
Stratman returned to the meeting at 8:47 a.m.

Tamisiea moved, seconded by Murphy to reopen the session at 11:55 a.m. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

DISCIPLINARY INFORMATION

Actions Taken/ Pending

Report was provided to the Board.

UNFINISHED BUSINESS

Report by Sub-Committee on Enteral Conscious Sedation – Tamisiea/Hinrichs

Tamisea is providing Hinrichs with all background information concerning enteral conscious sedation.

Report by Sub-Committee on Alternatives for Expanding CE Acceptance – Mlnarik

Mlnarik discussed the request for approval of continuing education for a course on peer review and the disciplinary process. Mlnarik approved this course for continuing education credit.

Report by Sub-Committee on Practice Act Changes – Jacoby

No report at this time.

Report by Sub-Committee on Expanded Duties for Dental Assistants – Murphy

Stratman moved, seconded by Lott, to appoint Hinrichs as chairperson to this sub-committee. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

The members of this sub-committee are Jacoby, Kissell, Lott, Stratman, and Hinrichs.

No report at this time.

LEGISLATION

2007 Legislation

Uniform Licensing Law (ULL) Rewrite

Wisell stated that the proposed ULL rewrite language will be introduced by the department. The Board members were sent a 944 page draft to review and were given until November 15, 2006, to provide comments. Wisell informed the Board that there were some changes to the draft language. The first

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change was the definition of accredited dental hygiene program. The second change was that the anesthesia permit will now be renewed every two years. The third change was that there will not be any additions to the number of Board members because the Governor's Policy Research committee believes it has a large fiscal impact. The fourth change was the addition of language requiring an applicant for licensure providing proof of being a United States citizen or legal alien.

Revised Director's Report on the Proposal for a Change in Scope of Practice by Dental Hygienists

The Board discussed Dr. Joann Schaefer's report and explained that the Board wrote a letter voicing their concerns. Jacoby explained the Board's concern for the misinterpretation that the report would allow for the placement of sealants in public health settings without the authorization or supervision of a licensed dentist.

REGULATION DEVELOPMENT

172 NAC 53 Rules and Regulations Governing the Performance of Duties by Licensed Dental Hygienists and Other Dental Auxiliaries

The Board received a draft list of duties to review. The Board requested that all parties involved be able to review the document before the Board makes any recommendations. The Board will proceed with the draft regulations that were approved at the last meeting. 172 NAC 53 draft language will be set for public hearing sometime in December.

172 NAC 56 Regulations Governing the Practice of Dentistry and Dental Hygiene

Wisell informed the Board the 172 NAC 56 will be set for public hearing in December.

HEARING ON PETITION FOR REINSTATEMENT – DARCIE JAMESON (1:00 P.M.)

The Public Hearing was held at 1:25 p.m. on Darcie Jameson's Petition for Reinstatement of her license to practice dental hygiene #1135. Darcie Jameson appeared Pro se and Lisa Anderson, Assistant Attorney General, represented the State.

Hinrichs moved, seconded by Lott, to close the session at 2:25 p.m., for deliberation. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

Stratman moved, seconded by Tamisiea, to open the session at 3:19 p.m. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

Hinrichs moved, seconded by Jacoby, to reinstate the dental hygienist license of Darcie Jameson after her successful completion of the ADEX practical exam within the next two years, provided that no violations of her current criminal probation occur prior to the reinstatement of the license. The license will be subject to probation for five years with the following probationary terms and conditions:

- Abstain from the use of alcohol including, but not limited to, any over-the-counter medications and mouthwash containing alcohol unless prescribed for or administered to the licensee by a licensed physician or other authorized licensed practitioner for a diagnosed medical condition;

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- Abstain from personal use or possession of controlled substances and all other prescription drugs unless prescribed for or administered to the licensee by an authorized licensed physician or authorized licensed practitioner for a diagnosed medical condition;
- Verification from treating practitioner of all prescription medications;
- Report all prescription medications taken;
- Submit to random body fluid or chemical testing at her own expense at such time and places as the Department may direct;
- Comply with treatment recommendations;
- Advise Department of any counseling and submit reports;
- Participate in a minimum of 2 NA, AA, or other support group meetings per week;
- Shall not have access to controlled substances;
- Provide notification of her disciplinary actions to all employers;
- Quarterly employer reports;
- Provide notice of disciplinary actions to other states where she is licensed or any subsequent out-of-state licensure;
- Provide written notice to Department of employment changes within seven days;
- Provide written notice to Department of address or phone changes within seven days;
- Comply with all reports, notices or other documentation from the Department;
- Obey all state and federal laws, rules and regulations regarding the practice of dental hygiene, and report violations to the Department within seven days;
- Pay any costs associated with ensuring compliance including, but not limited to, random fluid/chemical testing;
- Appear at any meetings of the Board when requested;
- Notify the Department of pending malpractice cases;
- Notify the Department within seven days of any change in employment, employment status, institutional privileges, residence or telephone number;
- Any period of not having a Nebraska license or being inactive practice will not reduce the probation period; and
- Other standard probationary language.

The basis for this probationary license is Ms. Jameson's past disciplinary action against her license and felony and misdemeanor convictions that resulted in Ms. Jameson currently serving criminal probation. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

The Public Hearing was concluded at 3:26 p.m.

Physical Assessment Tools Used Prior to, During, and Post Dental Treatment – Board Position on Use of Glucometers in Dental Practice

Dr. Varon presented information to the Board concerning collaborative practice between physicians, dentists, and all other healthcare practitioners monitoring diabetes of the patient. The Board suggested that more discussion is needed on this subject and requested this topic be on the January 2007 agenda.

Licensee Assistance Program (LAP) Update – Judi Leibrock

Ms. Leibrock gave an overview of the program. LAP will be utilizing their funds differently such as not having an annual meeting. They will be program smaller lectures and presentations.

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Review Examination Criteria of Other Regional Board Examinations to Determine Acceptance

The Board discussed the differences between the different regional board examinations. The Board agreed that the both the dental and dental hygiene examination given by the Central Regional Dental Testing Service (CRDTS/ADEX) and the North East Regional Board (NERB) should still be accepted.

Tamisiea moved, seconded by Jacoby, to accept the dental practical examination given by the Southern Regional Testing Agency (SRTA), as long as the applicant also passes the clinical periodontal portion of the ADEX examination. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

Tamisiea moved, seconded by Murphy, to accept the dental practical examination given by the Western Regional Examining Board (WREB), as long as the applicant passes the prosthodontic manikin portion of the ADEX examination. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

Stratman moved, seconded by Lott, to accept the dental hygiene practical examinations given by CRDTS, NERB, STRA, and WREB, without additional conditions. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

AADE ANNUAL MEETING – OCTOBER 14-15, 2006 – LAS VEGAS, NV

Registered for the AADE meeting are Mlnarik, Hinrichs, Marshall, Lott, and Lisa Anderson.

2007 ANNUAL MEETING - KANSAS CITY, MO – AUGUST 23-25, 2007

CRDTS Annual Meeting will be held in August. CRDTS will be reimbursing 6 examiners for their attendance. CRDTS requires that they reimburse new members and committee members. Staff will prepare the contracts and travel authorizations needed for all examiners to attend.

Lott reported on the Steering Committee meeting. Lott explained that both dental schools are using the new integrated format. This will allow the applicant to fail the examination three times before remediation is required by CRDTS. The Board should review this because our regulations require remediation after two failures.

TRAVEL REIMBURSEMENT GUIDELINES FOR CRDTS EXAMINATIONS, CRDTS ANNUAL MEETING AND OTHER TRAVEL

Staff prepared guidelines for travel reimbursement and distributed it to the Board members and will supply these guidelines to the other examiners with their new contracts. Wisell explained that the Department cannot guarantee expense reimbursement after the fact. Board members and other examiners should have documentation of approval prior to any travel.

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NEW BUSINESS

Application(s) for Licensure

Stratman moved, seconded by Marshall, to recommend approval of the dental application of Maria Nosworthy. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

Tamisiea moved, seconded by Schrader, to recommend approval of the dental hygiene application of Meghan Schropfer. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

Application(s) for Reinstatement

Hinrichs moved, seconded by Tamisiea, to recommend approval of the reinstatement application of Ali Akkoseoglu, DDS. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

Jacoby moved, seconded by Lott, to recommend approval of the reinstatement application of Sean Sullivan, DDS. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

Marshall moved, seconded by Schrader, to recommend approval of the reinstatement application of Troy Trondson, DDS. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

Approval of a University, Teaching Hospital or other Facility for the Purpose of obtaining Parenteral Sedation Certification (172 NAC 56-009.02A item 5)

The Board requested information about the curriculum be forwarded to the Department so that it can be reviewed by both dental schools prior to approval.

FINANCIAL REPORT

Budget Status Report

The Board reviewed the budget status report.

FY07 Budget Approval

Wisell explained the line items of the budget. Schrader moved, seconded Marshall, to approve FY07 budget for dentistry. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

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SET 2007 MEETING DATES

The Board set the following dates for 2007:

January 12, 2007
March 23, 2007
July 13, 2007
October 12, 2007

GENERAL INFORMATION

The Board members thanked Dr. Tamisiea and Dr. Murphy for the years of dedicated services to the citizen of Nebraska. Each were presented with plaques.

ADJOURNMENT

Tamisiea moved, seconded by Murphy, to adjourn the meeting at 5:07 p.m. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Schrader, Stratman, Tamisiea. Voting nay: None. Absent: None. Motion carried.

Respectfully submitted,

Doris Schrader, Secretary
Board of Dentistry